

Report Date: January 30, 2012

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

JAN 30 2012

Eastern District of WashingtonJAMES R. LARSEN, CLERK
DEPUTY
CLERK
EASTERN DISTRICT OF WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Joel R Cervantes Case Number: 2:06CR06056-001

Address of Offender: Pasco, WA 99301

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: 6/11/2007

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1) & 924(a)(2)

Original Sentence: Prison - 51 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: K. Jill Bolton Date Supervision Commenced: 10/19/2011

Defense Attorney: Kimberly A. Deater Date Supervision Expires: 4/18/2014

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

1	<u>Mandatory Condition # 2:</u> The defendant shall not commit another Federal, state, or local crime.
---	---

Supporting Evidence: Joel Cervantes is considered in violation of his period of supervised release by committing the offense of assault second with a deadly weapon, on or prior to January 7, 2012.

On January 7, 2012, officers with the Pasco Police Department were advised of a vehicle being rammed by another vehicle. The officers were able to locate both vehicles in a parking lot. After contacting all the individuals from both vehicles it was alleged the defendant had been in a verbal argument with his half brother about money. It is alleged the defendant thought his brother had stolen the money while he was incarcerated. The verbal argument ended when the brother got into a vehicle with a friend and drove away. The defendant then got into another vehicle and began to chase his brother. Reports noted the defendant threw beer bottles at the brother's vehicle. When the brother stopped at an intersection it is alleged the defendant rammed his vehicle into the vehicle the brother was in. The chase then continued into a parking lot where officers were waiting. Reports stated the defendant had switched seats with the passenger in his vehicle prior to the officers contacting him. Three

Prob12C

Re: Cervantes, Joel R

January 30, 2012

Page 2

witnesses, including an individual who was in the vehicle with the defendant, all stated the defendant was driving the vehicle.

The defendant was arrested and taken to the Franklin County Jail under case number 12-1-50016-8. The defendant is currently scheduled for trial on March 7, 2012.

- 2 **Standard Condition # 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Supporting Evidence: Joel Cervantes is considered in violation of his period of supervised release by possessing drug paraphernalia on or prior to January 7, 2012.

As noted above, the defendant was arrested on January 7, 2012, after allegedly assaulting two individuals with his vehicle. During the search of the defendant's vehicle officers located a glass smoking pipe, which is commonly used for smoking methamphetamine, on the front seat.

- 3 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Joel Cervantes is considered in violation of his period of supervised release by committing the offenses of driving with a suspended license in the third degree on or prior to December 8, 2011.

According to an officer's report, the defendant was contacted after the vehicle he was driving was registered to an individual whose driving status was suspended. The defendant was found to be suspended in the third degree and cited. The defendant was allowed to call for another individual to come pick him up.

The defendant is currently proceeding through the court process on this matter in Franklin County District Court under case number 1Z0812603.

- 4 **Standard Condition # 11:** The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

Supporting Evidence: Joel Cervantes is considered in violation of his period of supervised release by failing to notify probation about contact with law enforcement on December 8, 2011.

As noted above, the defendant was cited for driving with a suspended license under case number 1Z0812603, on December 8, 2011. It was not until his arrest on the vehicular assault, noted in violation number one, that probation was made aware of the law enforcement contact on December 8, 2011. The probation office conducted a criminal history check and the citation was noted.

Prob12C

Re: Cervantes, Joel R

January 30, 2012

Page 3

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/30/2012

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

Fred Van Dulle

Signature of Judicial Officer

January 30, 2012

Date